

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19-cr-0068
)	
LOUIE ISON MANGAMPAT,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is the trial in this matter, currently scheduled for July 26, 2021. For the reasons stated herein, the time to try this case is extended up to and including September 13, 2021.

On July 21, 2021, and July 22, 2021, the Court held status conferences in this matter. At those conferences, the Court and the parties discussed the fact that, in recent weeks, the public health crisis in the U.S. Virgin Islands, and the United States in general, has intensified. From July 7, 2021, to July 21, 2021, the total positive COVID-19 cases in the Territory have risen from 3985 to 4301—an average of 22.6 new cases per day over that two-week period. In St. Thomas alone over that two-week period, the total positive COVID-19 cases have risen from 2205 to 2395—an average of 13.6 cases per day. Moreover, considering the total positive COVID-19 cases from the past week alone, the cases in St. Thomas have increased by 125—an average of 17.9 cases per day. This increase in the incidence of positive cases has been accompanied by confirmation by the Virgin Islands Department of Health of the presence of the Delta variant of COVID-19 within the Territory. The Delta variant is reported to be at least twice as transmissible as the original strain of COVID-19, and early reports indicate that it may also have an increased risk of hospitalization and death. *See* SARS-CoV-2 Variant Classifications and Definitions, <https://www.cdc.gov/coronavirus/2019-ncov/variants/variant-info.html> (last visited Jul. 22, 2021); 5 Things to Know About the Delta Variant, <https://www.yalemedicine.org/news/5-things-to-know-delta-variant-covid> (last visited July 22, 2021).

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Additionally, in the closely neighboring British Virgin Islands—with a total population of approximately 30,000—the incidence of COVID-19 cases and deaths have exploded, with 22 deaths reported in the past two weeks and approximately 1600 positive cases.

These circumstances give the Court great cause for concern. Jury selection in the District of the Virgin Islands frequently involves large jury venire pools, which often consist of individuals in—or caring for those in—the age categories identified by the CDC as being especially at risk and individuals who are otherwise at enhanced health risks for other recognized reasons. In light of the increasing number of positive COVID-19 cases in St. Thomas—currently at 119 active COVID-19 cases, the highest since August 2020—the Court finds it necessary to continue the trial in this matter for the protection of the Defendant, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

As such, while the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that further extending this period would be in the best interest of justice. COVID-19 continues to present an unpredictable threat to public health and safety. In light of these circumstances, the Court finds it necessary and appropriate to proceed with caution. Social distancing—specifically avoiding gatherings of more than 10 people and maintaining a distance of at least 6 feet from others—remains the most effective check against the COVID-19’s transmission. Moreover, this case in particular presents significant challenges surrounding COVID-19 transmission risk and travel restrictions as the majority of the United States’s essential witnesses are foreign nationals. Given the dire circumstances faced by the U.S. Virgin Islands and the United States as a whole, the Court finds that extending the period within which Defendant may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through September 13, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

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ORDERED that the trial in this matter previously scheduled for July 26, 2021, is **RESCHEDULED** to commence promptly at 9:30 A.M. on September 13, 2021, in St. Thomas Courtroom 1; it is further

ORDERED that the deadlines set by the Court's April 28, 2021 Order are extended as follows: (1) the deadline for the parties to file their pretrial brief is extended to September 7, 2021, and (2) the deadline for the parties to provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits is extended to September 8, 2021; it is further

ORDERED that the motion of the United States, ECF No. 131, to withdraw its motion to continue, ECF No. 127, is **GRANTED**; it is further

ORDERED that the motions of the United States, ECF Nos. 108 and 129, for leave for its witnesses to testify at trial by video conference are **MOOT**; and it is further

ORDERED that the motion of the United States, ECF No. 124, requesting an emergency status conference is **MOOT**.

Dated: July 22, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge